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Development of the Federal National Council in UAE

A project submitted to Middlesex University in partial fulfillment of the requirements
for the degree of Master of Professional Studies
(MProf in Political Science and Legislation)

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[MProf in Political Science and Legislation]

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Introduction

This has been a journey about my own personal experience and practice in public domain whether as police officer in charge of the nation's security or parliamentarian to voice my constituency views through consultative chamber (Majlis) of Sharjah.

I am aware that a "Masters project" will not be able to deal with the issues at stake but in order to plan out this small project I need to constantly keep the larger one in mind.

The Masters for me is testing the waters in two senses;

Firstly have been out of formal education for some years and look upon this process as a way to distil my learning from my practice in government service and put it to good use.

Secondly at this stage I do not know what the data will reveal and what the response to some of my earlier steps will be. I prefer to take small steps before embarking on the larger project. These small steps will help inform the larger study.

This Masters level project will embark on proposals for clarifying and enhancing the role of the FNC and how best it can be more inclusive and representative of public opinion. The study will also propose evidenced and concrete recommendations to the decision makers for further action to develop and upgrade the FNC in a manner that best suits and serves the goals and aims of a closely knotted tribal community that has become a country that aims to continue to be prosperous, seeks to uphold justice and is committed to peace – the United Arab Emirates.

These are broadly the questions that constituted a considerable part of my project that have been structured to the scope of a project to meet the Masters' criteria:

1. What are the most important constitutional amendments that are believed needed to develop the tasks of the Federal National Council particularly from the viewpoint of the Federal National Council members and recognised political commentators?
2. What is the perceived role of the FNC and its relationship to individual governments in the UAE?
3. Have in the past FNC members reflected in discussions local matters pertaining to the individual Emirate they represent? How many agendas are there in the role of the FNC and how can these agendas be given sufficient and balanced coverage? E.g. federal and local agendas.
4. Has the absence of women from the FNC membership up to 2006 led to the absence of women's issues from the agendas of the FNC? And what is being done to redress this?

I have been working in the inner circles of decision-making process as a questioning and influencing figure and have developed relationship with some of those in question when I was running for elections. I am well acquainted with the leadership at Emirate level as well as at the national level. Therefore I do enjoy having an inside knowledge of some of the events and persons involved. In addition, I enjoy having the general language, and political vernacular, cultural norms, etc. I have been privileged to share some confidential documents, memoirs etc. An immersion in the details and specifics of the data will enable me to identify important categories, themes, dimensions and inter-relationships.

It did help a great deal having my late brother, Taryam Omran Taryam in representing the family, Sharjah and the nation, as parliament speaker. It also enabled

me enormously to be allowed into this inner circle in such a way demonstrates that I can engender trust through their regard for my past and my acknowledged service to my country, my openness and the trust they have shown me to be confidential regarding some matters.

This assisted me to reassess very carefully how I approached the interviews and negotiated with the participants the parameters of the confidentiality. I also needed to be transparent about my own agenda for change. That is why I gathered the necessary data. But there is no doubt from my experience change needs to happen if the UAE is to progress in a global economy without fear of threat from outside. I believe we are vulnerable if we continue in the same way. This is important to be transparent about. I need to declare in this project that the interpretation of qualitative data will be informed by a triangulation with the literature, the questionnaires and the interviews but also by my own experience and insights reflections.

Needless to say I am critical advocate for reforms as well as a dogmatic defender of the system. This will be both an advantage and disadvantage in that I need to be aware that I do not select people for interview whom I know will support my views. I need antagonists as well. Only if I know what opposes my view will I know how to design recommendations which can address and persuade opposing views but more importantly I need to keep an openness that they may in fact convince me. On the whole I am seen as an advocate of good and my loyalty to my country is well known. I am perceived as someone who fundamentally cares about the system but also the legitimate product of such a system. I need to encourage those who would agree with me to contribute what they would say for arguments sake if they wanted to disagree with me.

However, I also sought data from outside of FNC. We are a closely knitted society and I can see how much they will want to be not just involved but perhaps take a lead. Therefore my contract with them about boundaries and their roles as participants in the research rather than co-researchers was a very important part of my design consideration and contracting. This included utilising friends and family members or, in some cases, high-profile public figures as purposive samples.

My methodological approach was simply one of enquiry into a complex matter with potentially wide repercussions. That is why it had to be very considered. I was guided by ethical considerations as my community is so small and interconnected and by a process of reflexivity where all the time I was looking at my own impact on the various stages of the project and the stages having an impact on me and how I responded. Veracity was central for me. This standpoint influenced my methods, I chose methods which were the most likely to elicit the data for my research questions as above.

The methods did not vary much since the subject has not been studied or dealt with it much due to the nation's recent past, and the urgent need to investigate such sensitive and highly unprioritized issue. Researching and where possible measuring the attitudes of the elite intelligentsia (that is, those persons regarded as such by the public) generated primary data by extensive in-depth semi-structured interviews with present and ex-council members, government ministers, judges, lawyers, councilors, high ranked police and army officers, academics, students, influential media representatives, technocrats, clergy etc. as a sample of state and civil society opinion makers. I consulted some declassified documents , scarce although, from the Centre for Documentation and Research in Abu Dhabi (which is considered the

National Archives). I made use of analysis of the very few and scarce secondary sources namely books, also by making use of the archive of the Dar al-Khaleej (oldest newspaper in the Gulf).

I used open-ended questions, which were used as a guide to have a meaningful dialogue with the respondents. These questions raised important points "why", "how" and "what" rather than asking for "yes/no" answers. This method helped to prevent limited open dialogue, which would have greatly limited my access to valuable information and insight. I also had to develop the criteria for the selection of the respondents. I needed to ensure a wide range of opinions and to ensure that respondents came from different fields, social classes and different emirates.

The samples were *purposive*, meaning that samples were deliberately selected in a non-random fashion to achieve the set goals. Then were distributed to 40 decision-makers in different professions. Respondents included, as described above, the current Speaker of the FNC. Their nationalities included Emirati and long-term Arab expatriate residents, including both males and females. I referred to the respondents by job title. A method I preferred to anonymise their response rather than names even though they all knew what they were interviewed for, and no one objected or expressed conditional consent to me questioning them in order to meet any ethical requirements and comply with the Data Protection Act.

The four chapters kept changing to the last minute in terms of size and intensity due to the volume of data under the wordage constraint. However, I have written it in a

way to appeal to wider readership in a sense-making style to meet the set-objectives of an MProf programme.

I hope this project will fill the vacuum since it is one of the first of its type in dealing with a subject that most likely will come back to influence the lives of many in the region and would have its impact on national and regional politics. I also hope to have provoked others to build on what I have done by further widening the scope of study.

Chapter 1: The Establishment and Evolution of the United Arab Emirates

Introduction

This chapter will focus on the historical background of this tightly netted tribal Arab community that had become the United Arab Emirates (UAE) during the past few centuries, during which the region was under the influence of imperial powers. It began with the Portuguese in the sixteenth century and ended with the British. This chapter explains the strategic importance of the location of the area and the limited economic opportunities available at the time. It explains the era of the independence of the country and the establishment of the union between the seven emirates. The chapter goes on to focus on the political system, the balance between the modern and traditional government systems and the experience of the 40-year old Federal National Council.

Historical Background

The UAE is situated in the Northeast of the Arabian Peninsula. It is bordered by the Arabian Gulf to its north and Saudi Arabia surrounds its south and west region. To the UAE's east, lies the Sultanate of Oman and the Gulf of Oman. The UAE occupies a total of 83,600 sq. km.

The British first arrived in the Gulf at the beginning of the seventeenth century. For two centuries, they were involved in peaceful commercial activity. However, the Gulf's importance to the British increased as a centre for air communication to support British imperial interests and after oil was discovered in the region. And so, by the beginning of the nineteenth century, they began to have a military and political

presence in the area. This was a fundamental change in Britain's traditional policy of non-intervention.

The first British agent was appointed in Sharjah in 1823 and reported directly to the British Political Resident on affairs of the area, which was known as the Trucial Coast. The British, whose naval power was one of the strongest in the world, mainly took control of the area to secure a safe passage for their trade.

During this time, the British signed several treaties with the local rulers of the area. These treaties, especially the treaty of 1892, forced compromises onto the people of the region. Some treaties called for a ban on all communication, agreements and correspondence with any other foreign country, unless permission was granted from the British. They also established the Trucial Scouts in 1950, a Trucial States Council two years later and a Development Council a few years after that. In this way, the British controlled all political and legal affairs in the area.¹

Also during this time, the economy was poor and people struggled to survive, due to a lack of educational and health services. People depended on farming, fishing and pearl diving.

Modern education started in the Trucial States in the post-war period.² Therefore, some of its people migrated to Saudi Arabia and Kuwait to work in the newly established oil fields, which were discovered in the 1930s. Oil was only discovered in Abu Dhabi in 1958 and production began in 1962. In Dubai, the first oil shipment was exported in 1969.³ Cars and motorboats only first arrived in the early 1960s and so

¹Abdullah, Muhammad Morsy., 2007. *The United Arab Emirates: A Modern History*, p 23.

²Abdullah, Muhammad Morsy., 2007. *The United Arab Emirates: A Modern History*, p 143.

³Atef, Suleiman., 2008. *The Oil Experience of the UAE*. p 7.

camels and sailing boats remained the principal means of communication until that time.⁴

During the reign of the British, the population of the Trucial Coast was only around 80,000 people and communication was slow between the scattered settlements. Therefore, each Ruler had a permanent representative called a *wali*.⁵ The *wali* was usually one of his relatives and the general population had little to say in the choice of a *wali*. The *wali*'s responsibilities included supervising day-to-day administration within the town, collecting taxes and customs duties and organising the defence of the town against attacks. In most villages, each tribe had its own leaders and they would communicate with the *wali*. For example, in the case of a grievance, the tribal leader would lead a delegation of his people to the local *wali* and he would also pass on the *wali*'s instructions to them. Nevertheless, whether people lived in a coastal town or in a village, they went about their daily life hardly aware of government, except when it was time to pay taxes once a year.

When the British announced their intention to withdraw from the Arabian Gulf, there was rapid movement towards establishing closer ties between the emirates. An agreement was soon reached between the rulers of the six emirates (Abu Dhabi, Dubai, Sharjah, Umm al-Quwain, Fujairah and Ajman) leading to the establishment of a federation, to be known henceforth as the United Arab Emirates from 2 December 1971. The seventh emirate, Ras al-Khaimah formally joined the federation the following year.

Establishment of the Union

⁴Heard-Bey, Frauke, 1982. From Trucial States to United Arab Emirates, pp 165-169.

⁵Heard-Bey, Frauke, 1982., From Trucial States to United Arab Emirates, p 81.

When the rulers of the emirates met 38 years ago, they decided to agree on forming a government for their new federal state that would offer the best of modern administration, but at the same time retain traditional forms of government. They believed it would involve consensus, discussion and direct democracy and feature the best elements of the past. This has enabled the country to develop a political system that is a unique combination of traditional and modern systems. It has also enabled the seven emirates to forge a distinct national identity and enjoyed a good degree of political stability, despite the massive economic growth and increase in population. Subsequently, the UAE has become the only successful example of a federal union in the Arab world that has stood the test of time.⁶

Today, the federal state is officially known as the State of the United Arab Emirates. The following statement, which was released on 2 December 1971, encompasses the philosophy behind the Union:

The United Arab Emirates has been established as an independent state, possessing sovereignty. It is part of the greater Arab nation. Its aim is to maintain its independence, its sovereignty, its security and its stability, in defence against any attack on its entity or on the entity of any of its member Emirates. It also seeks to protect the freedoms and the rights of its people and to achieve trustworthy cooperation between the Emirates for the common good. Among its aim, in addition to the purposes above described, is to work for the sake of the progress of the country in all fields, for the sake of providing a better life for its citizens, to give assistance and support to Arab

⁶There have been some previous attempts to form federal unions including Egypt and Syria. It lasted from 1958 to 1961.

*causes and interests, and to support the charter of the United Nations and international morals*⁷.

The Political System

A provisional Constitution was drawn up that specified the powers that were to be allocated to the new federal institutions. The Union has exclusive legislative and executive jurisdiction in foreign affairs, defence, and protection of the Union's security against internal or external threat, finance, education, public health, currency, immigration, citizenship and information. All other institutions remain the responsibility of each individual emirate with each of them able to exercise all powers not assigned to the Union under the Constitution. The state's political system includes four components;

First, the Supreme Council, of which each emirate ruler is a member. It is the highest authority in the Union. Each Emirate has a single vote in the deliberations of the Council. Their role is to control the Union's affairs in general, develop policies, ratify federal laws and decrees, approve the nomination of the prime minister and accept his resignation. It also can relieve him of his post, after a recommendation from the president. They also approve the appointment of the Chairman of the Council of Ministers and the appointment of judges of the Supreme Court. The emirate's rulers elect a president and a vice president from amongst their number, to serve for a renewable 5-year term of office. The Council has both legislative and executive powers.

⁷UAE National Media Council, 2008, UAE Yearbook, p33.

Second, the Council of Ministers or Cabinet consists of the Prime Minister, his deputy and several ministers. Their role is to deal with all domestic and foreign affairs. The current 24-member Cabinet was appointed in 2006.

Third, the Federal National Council (FNC), which is composed of forty members, plays an important role in consolidating the principles of consultation in the country. The number of representatives from each emirate is dependent on its population. Each member must be a citizen of one of the Emirates and permanently reside in the Emirate he or she represents. He/she should not be less than 25 years of age at the time of his/her appointment and must have adequate knowledge of reading and writing. Their membership in the FNC should be incompatible with any public office in the Union, including Ministerial portfolios. Each member must represent the people of the State, and not just the Emirate which he/she represents in the Council. The powers of the FNC include discussing any general subject pertaining to the affairs of the state, such as the annual general budget, financial bills and affairs of the Union. The Government informs members of the FNC about international treaties and agreements signed with other countries. Although, the FNC member has the power to raise questions to the ministers, they still do not have the power to interrogate or issue laws. The FNC is an appointed body and since late 2006, it has had half of its members chosen through a process of indirect elections. It has both a legislative and supervisory role under the UAE Constitution. However, each of the emirates also has its own local government. For example, Abu Dhabi's National Consultative Council undertakes a role similar to that of the FNC on a national level. The relationship between the local system and the federal system continues to evolve. However, they have not replaced the traditional forms of government that continue to exist.

The fourth component of the political system is the Union Supreme Court. It has jurisdiction in resolving various disputes between member emirates in the Union, or between any one Emirate(s) and the Union Government. If challenged by one or more of the Emirates, they are also able to examine the constitutionality of laws.

Federal, Local and Traditional Government

Since the establishment of the Union, the relationship and responsibilities of the federal institutions and the local institutions have transformed to meet the various challenges of a growing country. For example, in the mid 1970s, the armed forces were united as a federal body, rather than separate forces defending each emirate. However, despite the gradual evolution of these systems, they have not replaced the traditional forms of government.

Each Emirate's ruler (ie. the Sheikh) traditionally came from the leaders of the most powerful tribes. These rulers retained authority as long as they retained the support and loyalty of their community, who expected free access to their sheikh. This free access was usually granted through the sheikh's *majlis*, which is an Arabic term literally meaning 'a place to sit.' However, the sheikh's *majlis* offered much more than that. It was a place for social gatherings that was open to the people. It allowed them to voice their opinions and raise a wide variety of topics (both of a personal interest and of a broader concern to the community). The concept of the *majlis* is a well-tested traditional method of government and still very relevant and popular today. The rulers of each emirate as well as the crown prince, senior family members and officials still maintain the open *majlis* and welcome usually the older generation to take the opportunity to discuss an issue with their ruler directly, rather than go through the

modern administrative structure. Moreover, one can often hear a detailed and heated discussion regarding policies that should be adopted or issues with neighbouring countries.

Many of the emirate's rulers frequently travel within the country and this provides them with opportunities to meet the citizens away from the confines of the majlis.

In today's UAE, modern ministries and municipalities have developed in response to public need and demand. These organisations have taken over the responsibility for a number of routine tasks, where traditionally the ruler would have handled in the majlis.

Conclusion

Within four decades, the UAE has successfully progressed in various fields from economic, health and education to human development and the empowerment of women.

From the economic perspective, according to the UAE Yearbook 2010, published by the UAE National Media Council, GDP growth in 2008 stood at 7.4 per cent, which was among the highest in the world. Moreover, according to an International Monetary Fund report published in October 2007,⁸ the UAE has benefited from its oil wealth, prudent macroeconomic policies and dynamic diversification strategy. The report also states that the UAE has emerged as an important hub for international trade, finance and tourism attracting large inflows of foreign direct investment and expatriate workers and is increasingly playing an important regional economic role. More recently, the Emirate of Abu Dhabi has launched a comprehensive strategic planning policy document, entitled the Abu Dhabi Policy Agenda, which provides a

⁸This is the latest figure available.

template for the wider economy. The vision is to create a dynamic open economy based on a large empowered private sector and maintenance of Abu Dhabi's values and heritage.

From an infrastructure perspective, the UAE has taken great strides in this regard. It used to have a predominantly rural population with little access to decent infrastructure. People had little or no access to education and health services. However, today the country has an urbanised and sophisticated population with increasing needs. Therefore, modern housing, roads, airports, ports, schools and hospitals were set up. According to census figures, the UAE's population has increased by 74.8 per cent since 1995.

From a social development perspective, according to UN Human Development Report for 2010, the UAE ranked the highest amongst Arab countries in the Human Development Index. This was for its improvements in education and health services, including lowering the illiteracy rate to 9 per cent and raising the life expectancy to 78.3 years. Moreover, the UAE received this ranking for the improved empowerment of its women. Their full participation in the country's social and economic arena is strongly encouraged by the leadership. Great strides in this regard have been made since the establishment of the Union. For example, females form 62 per cent of the total number of students enrolled in higher education and the UAE is unique in the world since it has such a high percentage of female parliamentarians amongst Arab countries.

This was all achieved thanks to a harmonious balance between traditional and modern government systems. However, with the population increasing, with people's needs changing and with the increased importance of technology, it is paramount to expand

political participation and create more modern forums for the expression of opinions. I will recommend in the following sections that this be achieved through a wider participation in the UAE's Federal National Council, a suggestion which will be discussed in further detail at the end of Chapter Three.

My intentions are far beyond the scope of a Masters. I see this Masters as the groundwork for a larger project later that will address the issues of gradual democratization in more depth supported by more substantial data and analysis. For the purpose of this Masters I am planning to review the mechanism of the present National Federal Council and the way it is composed to operate. This study will explore the viability and effectiveness of the FNC by analyzing its formation, structure and functions and will help to arrive at concrete conclusions relevant to the advantages and disadvantages of such a body in seconding the UAE government. This would also help in setting up mechanism for evaluating the experience of the FNC; in particular reference to the period between 1971- 2008.

Based on the findings, the study will embark on proposals for corroborating the role of the FNC and developing its jurisdiction and validities. The study will also propose empirical and concrete recommendations to the decision makers for further action to develop and upgrade the FNC in a manner that best suits and serves the goals and aims of a country that is prosperous, seeks to uphold justice and is committed to peace – the United Arab Emirates.

The whole project is to offer a newer mechanism by which the FNC is elected and governed, and to open up the process to all UAE citizens without losing the stability and the prosperity the nation enjoys. This will enhance my chances, and other like

minded individuals, to be elected and re-elected by popular vote rather than favourable appointment.

Therefore, the outcomes of this project is intended to be at higher level of practice to enhance my political capital through providing evidence that will support or refute my own ideas and transform them into political policies/campaigns. Therefore, the whole preparation will benefit me tremendously, and will enable me as a UAE public figure, consultative member, and an insider researcher to conduct:

- An examination of the validity and the function of such a council in the light of the new era of democratisation engulfing the world in general and the Gulf in particular.
- A widening of political participation through incorporating public agendas and opinions in the running of the state to ensure the continuation of the economic development twinned with political as well as social harmony.
- An assurance to the government of the UAE that real democracy is the only key to stability and immunisation from outside threats that might loom in a very volatile region since it has a small population with vast resources especially the much internationally needed energy.
- New ways to look at certain articles in the constitution which are related to the formation and the function of the NFC.
- Recommendation regarding the allocation of government portfolios under the umbrella of FNC justifying and consolidating the government by establishing the principles of democracy within the government.

- Developing best principles from the lessons of others such as the Kuwaiti model through the process of comparison.

Chapter 2: Research Interviews Analysis and Results

Introduction

I have interviewed a sample of 35 figures - the samples were *purposive* - and all were members of Emirati society. This sample was selected based on several factors, including their knowledge of the political system of the UAE, their active participation in the public debate on issues related to political reform and their familiarity with the Federal National Council (FNC) or other executive and judicial authorities. The sample included those selected for their extensive experience, their influence on public opinion and their decision-making power, as well as some technocrats.

The sample included men and women of different ages and of different educational levels. It consisted of the current FNC Speaker, the former Secretary General, former FNC members, former Ministers, officials from the Sharjah Consultative Council, political advisers from the executive authority, lawyers, legal consultants, academics, university professors, members of the media and human right activists. Interviews were conducted from 9 March to 21 May 2009, and were 35 in total.

The following six issues were covered in the interviews:

1. Selection methods of FNC members
2. Main issues debated at the FNC
3. Female representation in the FNC
4. The FNC's authority and role
5. Assessment of the FNC's activities

6. Proposed amendments to develop the FNC

Selection Methods of FNC members

Three different opinions were exhibited, with the majority agreeing that FNC members should be elected. All were unanimous in claiming that the UAE is heading towards the election of its FNC members.

A- The majority believed that the appointment system is no longer acceptable and that it should be replaced with general elections.

A Professor of Political Science at UAE University explained that the appointment style can no longer be justified, given the accumulated parliamentary experience over the past 37 years, the maturity of UAE society and the spread of education and scientific progress in the global age of liberal democracy. Abdullah believes that UAE society is ready to engage in the democratic experience by electing its parliament.

The former minister of Health, Labour and Media, pointed out that the domestic environment has changed. He also believes that the previous parliamentary experience has paved the way for public participation in the country's political structure. Roumi said that "the rise in the level of education among the UAE people and their interaction with other people in the world are evidence that the UAE people are mature enough to accept change and openness as well as others' views and ideas".

A consultant to the Sharjah government stated that the repercussions of regional events, the rapid impact of globalisation, the spread of world-class educational

institutions and the growth of civil society are enough to call for the introduction of direct and free elections. He believes that proportional representation is the best choice for the UAE because, as it is a young state where tribe still plays a key role, this system is better equipped to address the issue of demographic imbalance. He insists that a solution must be found that guarantees the rights of citizens, safeguards their Arab identity and protects them from any negative outside influence.

B -- The following group believed that the appointment system was needed historically and is still needed. Nevertheless, they believe the UAE is headed towards elections.

The former Chairman of Sharjah Consultative Council and former Secretary General of the FNC, justifies the appointment of members by the Supreme Council as acceptable if members are selected based on their track record of efficiency, competence and experience. While it is generally believed that the UAE is gradually heading towards the election of its FNC members, He points out that it will not be in the best interests of UAE citizens to proceed with elections without being well prepared and without having tackled the demographic imbalance.

The Deputy Chairman of Sharjah Consultative Council, expressed his opinion that the appointment of FNC members was, and still is, necessary due to certain conditions related to the establishment of the Federation in 1971. He stated that the decisions made by neighbouring Gulf countries to elect their parliamentary council members caused unexpected problems that do not provide encouraging precedents for the UAE.

A human rights activist reported that the time has not yet come to conduct direct general elections and prefers to advocate gradual steps being taken at present. He

attributes this to the regional situation in the Gulf, which is witnessing growing extremism with the emergence of sectarianism due to the imbalance in the demographic structure⁹ that has taken place since the final quarter of the 20th Century. Hussain believes that Gulf States are facing several challenges that demand rationalism and moderation. He argues that such a development may not be possible if the country adopts full democratic approach.

C - A few believed that the selection method of FNC members is irrelevant.

During the researcher's visit to UAE University, a Professor of Communications and Media Sciences, said that the selection argument is irrelevant because the election of half the members has not brought about a major change in the performance of FNC members.

In the same visit another professor in the same department, agreed that the selection is irrelevant but stated that the main issue is with who is selected. She adds that if the selected member is not the right person, it creates a real problem. She believes that elections require social dynamics and initiatives that lead to determining the best representatives of the people.

FNC Member believes that the efficiency and efforts of members vary from one to the other in accordance with his/her specialty and experience.

Similarly, former FNC member believes the selection of FNC members and their low academic qualifications were the main reasons behind some instances of negligence,

⁹The abrupt unease between various tribes, regions and worse between Shiites and Sunnis fuelled by Iranian belligerence in the area.

which can clearly be seen in the discussion of public-related topics and participation in international conferences.

The legal adviser to the Sharjah government stresses that the advisory nature of the Council and the appointment of its members before the introduction of the partial elections led to having unqualified members enter the Council, thereby demeaning the value of its work. He highlighted that members do not realise that they represent the entire population, not only their emirate.¹⁰ He further pointed out that the FNC member must balance between the requirements of his representation at the federal level and the aspirations of those he represents at the local level.

The majority of the sample agreed that the appointment of FNC members has evolved along with the development of UAE society. In the first three legislative chapters, most FNC members were appointed from the circle close to the Emirate's Ruler. With the spread of education, the increasing number of university graduates and the increase in the number of cadres in the federal government, more educated people were appointed. Currently, the UAE has entered a new phase that has seen the formation of the Electoral College, which consists of 6,689 members, charged with electing 50 per cent of FNC members.

A Professor at UAE University expressed some reservations about the Electoral College and hoped that it would not take long for all UAE citizens to be extended their right to vote. He added that if this process takes a long time then it will lead to the emergence of two groups; one that has the right to vote, and another that is denied this right. He asks whether the division of people into two groups will have political and social impacts on social harmony in the UAE.

¹⁰ As stipulated in Article 77 of the UAE Constitution.

The majority agreed that the criteria of choosing the Electoral College, while provisional, remains unclear. After the election of half the FNC members in 2006, the issuance of legislation and the constitutional amendments approved in 2009, the UAE will move ahead to the third phase, which will see the establishment of an election law that specifies election circles and other related regulatory procedures.

Main issues debated at the FNC

Most members of the sample agreed that the most important issues that have been debated at the FNC since its establishment are: the issue of demographic structure; national identity (which is threatened due to the outcomes of the demographic structure); and the high rate of borrowing and debt amassed by UAE citizens. Other issues included the unemployment of UAE citizens, security, public housing, education, health, inflation, agriculture, fish resources, water and electricity.

Female representation in the FNC

Women were not represented in the FNC until 2006 when eight were appointed, with one also elected in Abu Dhabi. Some believe that the absence of women did not lead to the omission of women's issues. For example Speaker of the FNC, stated that the FNC never ignored women's issues, especially during the discussion of draft laws related to women. He also believes that the Council is always attempting to empower women in all fields and at every level.

The overwhelming majority of the interviewees agreed that the FNC has always given special attention to women's issues and gender equality. However, they all welcomed

women's representation in the FNC and believed it would give a new boost to the already existing concern over the lack of female representation in public office. Hussain believes the absence of women in the past and their current presence has not added anything to the FNC's achievements.

Stemming from experience some believe that women's participation allows them to give more attention to their issues, especially as women are more capable than men to represent the struggles facing women in society.

Unlike most members of the sample, others believe that the absence of women led to women's issues being ignored.

The legal adviser to Sharjah government highlighted the election of the first woman to the Council as a great victory for women and an unprecedented landmark event in the entire Gulf region. He views 22 per cent representation of women in the FNC as a remarkable level of representation, higher than most other countries in the Arab world and markedly higher than women's representation in the Electoral College of 2006, which was reported at 17.7 per cent. He believes that female members of the FNC will help convey the voice of women and the concerns of the family.

The university professor, a woman herself, believes that the issue should be focused less on gender and more on the general competency of FNC members. Emphasising this point, she reiterated that gender is not an issue that merits discussion, but what should be given attention is the effectiveness and capacity of FNC members.

Adviser to the Sharjah government and the ministry of foreign affairs, points out that there are few issues that are exclusively related to women and not men, such as

gender discrimination, and suggests that these grievances be addressed when drafting laws.

The two lady professors believe that the introduction of women into the FNC has made little impact, highlighting that the status of women in UAE society has not dramatically changed.

The FNC's authority and role

Members of the sample mostly agreed on the performance of the FNC in terms of its legislative power but they disagreed on how best to determine this performance and whether basing it only on parliamentary sessions is sufficient. The majority of the sample agreed on the need to increase the FNC's legislative authority and to enhance its role beyond an advisory capacity.

One of the interviewees points out that a careful reading of Articles 121 and 122 of the Constitution reveals that the FNC is just an advisory body. He added that the law stipulates that FNC recommendations are to be referred to the Cabinet without any obligation on the Cabinet to reply.

Another believes that the Council's control and legislative activity is confined in accordance with the provisions of the Constitution, which narrows the concept of control practised by FNC members. Subsequently, He states that questioning ministers is not allowed, while asking ministers is permitted, as stipulated in the Constitution.

The Secretary General of the Consultative Council in Sharjah, stresses the fact that the Council's role is ineffective if it is confined to only questioning ministers. He

noted that the government still refuses to discuss some topics suggested by FNC members.

The Sharjah government adviser believes that the Council has exerted considerable efforts in the area of discussing draft laws while it has also succumbed to hidden pressures that compelled it to pass other laws without consultation. He believes that talking about balancing between the legislative and executive authorities is inaccurate because the Constitution established a lot of laws, including the introduction of the Council's statute that is dependent on the President's approval.

This is an accentuated fact that, in reality, until now, the development of the FNC has been inextricably linked to its 'trust' relationship with the executive authority. A notable public figure believes that the Council has developed its role throughout history; however, this development was a result of mutual trust between the FNC and the executive authority. Furthermore a Professor of Media at UAE University highlighted her belief that the FNC has always sided with the government's views.

Assessment of the FNC's Activities

It is difficult to give a detailed assessment of the FNC's achievements since it was founded; however, it is possible to define some areas through which the FNC's experience can be evaluated, such as its relations with successive executive authorities and the channels of communication it has with its citizens. These points were not unanimously agreed upon by members of the sample.

The Speaker of the FNC believes that the FNC assessment should be based on the grounds of the Council's powers, as defined in the Constitution. If we do so, then we

will find that the Council has done what it is supposed to do in terms of discussing draft laws referred to the Council.¹¹

An ex-minister believes that the Council played a prominent role in the area of draft laws related to economic prosperity and public facilities, without which, we would not have seen the country's current progress, a development which he attributes to the cooperation between the executive and legislative authorities.

Another outlined the most prominent successes achieved by the FNC, especially in its cooperation with the Ministry of Economy to fight price increases. He stressed that the General Authority for Islamic Affairs and Awqaf implemented all the recommendations made by the Council over the past two years. The FNC also discussed recruitment policy, the pension authority and called for restructuring the salary scale. The Cabinet responded positively to these demands. The FNC also added to the list of vulnerable categories benefiting from housing programmes and called for allowing the private sector to invest in the electricity and water sectors.

The Sharjah adviser believes that the FNC has succeeded in some aspects, such as contributing to improved social welfare and development and the enhanced efficiency of public facilities. Yet, it has failed in some other aspects, the most important of which is pushing the issuance of a permanent constitution and unification of judicial authorities. He attributed this failure to:

¹¹ He supported this quantitatively as follows: In the 3rd session of the 14th legislative chapter, which concluded on November 30, 2009, the FNC discussed 27 draft laws, including constitutional amendment draft law, and hence many amendments were made to draft laws whose percentage amounted to 23-65 per cent of the total draft laws. The FNC refused one draft law related to amending Federal Law No.3 of 1983 on judicial authorities. The FNC raised 93 questions to ministers, and FNC members carried fieldwork that allowed them to be acquainted with the situations of government activity sectors and listen to the needs and concerns of citizens. The FNC also held symposia and invited various government establishments, public utility societies and experts to share ideas about topics adopted and discussed by the council to arrive at proper resolutions. On the international level, he says the FNC was active in the area of parliamentary diplomacy to raise the issue of the UAE's islands occupied by Iran at Arab and Foreign parliaments.

- i) appointed members seeking to satisfy those who selected them;
- ii) some members lacking sufficient experience in parliament;
- iii) limited legislative powers;
- iv) the issuance of legislation by decrees, even during the convention of the Council and;
- v) Ineffectiveness in the process of questioning ministers.

Proposed amendments to develop the FNC

The majority of the sample believes that it is essential now to expand the FNC's powers and to transform it into a real consultative body, rather than just an advisory one. They suggest that the FNC be empowered to play an active role so as to be able to question Cabinet members and form fact-finding committees.

Three prominent public figures made the following suggestions that most of the sample have also highlighted:

1. Revise article 120 of the Constitution to make the powers of the Federal Authority and the local authority clearer.
2. Revise article 121 to transform the FNC into a real legislative authority.
3. Adopt free general elections.
4. Create two separate sections of the FNC to initiate a political structure that reflects the system found in other democratic countries.
5. Scrap article 113 of the Constitution, which authorises the President to issue legislation by decree in exceptional cases.

6. Cancel the Cabinet's powers related to issuing laws absolutely.
7. Set clear and defined provisions and rules on federal incomes and ways of collecting them as fees or duties.
8. Unification of judicial authorities.

Some Conclusions from the Interviews

Examining laws regulating the FNC while accurately assessing its activity and objectively requires taking into consideration two key factors: the conditions of its establishment and the course of its development as well as the constitutional provisions that define its powers and jurisdictions.

Regarding the first factor, it can be said that the FNC was established in view of an international framework that was characterised by a vacuum left by the British Mandate in the region and to deter neighbouring countries from attempting to fill this vacuum. This pushed the seven emirates to set up a federal system which later became the first successful experiment of unity in the Arab region.

In this time, the key role of the FNC was represented in expanding the scope of its advisory capacity over decisive issues and in firmly establishing its legislative and legal base. Back then, there was no other means to achieve this purpose except appointing council members and appointment was viewed as the best way to allay the fears of those questioning the intentions of the newly established Federation. The most pressing concern was withdrawing powers and jurisdictions from the local authority in an emirate for the benefit of the federal authority or a popular authority that had independence in decision making.

If some of the appointed representatives in the first legislative chapter's sessions were ineffective, it was mainly due to the low levels of academic qualification amongst the UAE's population, a lack of experienced cadres in administration and the tribal nature of social relations that was dominant before the creation of the Federation. However, the FNC's representation by appointment improved, as most members of the sample agreed. This was a result of the spread of education as well as the development of scientific and academic achievements. Additionally, increased experience in the management of federal institutions and further interactions with other parliamentary systems around the world contributed to the FNC beginning to appoint members with high academic qualifications and experience.

The majority of the sample agreed that with global changes, the expansion of civil society, high levels of educational attainment, increased parliamentary experiences and the lessons learned from the indirect elections of half the FNC, it would no longer be possible to carry on with the appointment process.

Analysing interviews with the research sample and based on the attendance of various sessions, public meetings and seminars, it is evident that the number of supporters of an election process for FNC members is on the rise, even though they may differ over what mechanisms should be installed to execute its implementation. Some believe that the best way is a gradual approach, which allows for tackling the demographic imbalance and eliminating sectarian extremism - factors that may affect the results of the elections and threaten the stability of the country. Others believe that UAE society has reached a degree of consciousness and maturity that allows for conducting direct elections. A few suggested a flexible electoral system based on proportional representation.

Concerning the second factor, it is not possible to make judgments on the FNC's effectiveness regarding its legislative role since constitutional provisions confine and relegate it to a consultative body.

Some members of the sample emphasised that the FNC has been through periods of cooperation and coordination with Cabinet members. They also agree that the FNC has contributed to the development of public facilities, education, transport, and to the improvement of public services that benefit both UAE citizens and expatriate residents. The FNC's contribution to public services was more apparent than in the field of amending and changing laws or controlling public expenditures.

Members of the sample all agreed that the FNC's role cannot be developed without conducting constitutional amendments to promote its legislative authority. The majority agreed that representation in the FNC must be decided by direct and free elections. Within this framework, it is necessary to review article 85 of the Constitution which stipulates that the statute of the Council is issued upon a decision by the President, based on the approval of the Supreme Council.¹² Needless to say, this article does not come in line with the nature of legislative councils because regulations do not define the work of councils only, but work to achieve a degree of democracy and add more transparency to its work and regulate its relations with the executive authority.¹³

¹² This article is derived from the Egyptian constitution issued in 1930 which allows the Council to participate in laying down by-law.

¹³ It is well known from parliamentary experiences that the bylaw does not change every parliamentary session because it enjoys the capacity of continuity in the light of succession of parliamentary sessions. It also does not change if political and constitutional facts have changed. Some believe that the bylaw gains a great importance that is in keeping with the importance of the Constitution. Therefore, some regimes, especially the presidential system, list some central principles in the bylaw of the Council in the Constitution, so that the Council will not be able to change in its efforts to amend its bylaw. It can also be listed in the Constitution to create a balance between legislative and executive authorities. The Constitution does not refer clearly to diplomatic immunity, but it stresses in article 81 that the Council members should not be held responsible for the ideas and opinions they expressed while doing their job

Examining this article carefully demonstrates that the protection is confined to the place and is limited to the headquarters of the Council. This means that the Prime Minister may lose the protection outside parliament. The Constitution does not provide temporary immunity or the so-called 'parliamentary taboo' in case of a criminal act, as determined in article 82. The temporary immunity provides for postponing the prosecution of a member until his term expires. The immunity should not be understood on the grounds of a personal privilege, but as a means to enhance the legislative authority and allow the member to practise the freedom of expression and thinking to perform his duties without fear or pressure. Hence, parliamentary immunity shall be stipulated in the Constitution. On the constitutional amendments, the Council may be granted the authority to set up fact-finding committees to verify information, or to know more about issues raised by some sectors and facilities. The UAE is among a few Arab countries whose constitutions do not stipulate the establishment of fact-finding committees. The other Middle East countries are Qatar, Saudi Arabia and Tunisia.

Finally, it is important to mention that the issue of parliament's status and its role in any country throughout the world cannot be limited to the legal aspect of government. It must also include the political aspect. This means expanding the scope of discussion about public affairs and political reform to a variety of arenas, including the media. Also, the development of civil society organisations will create a new

within the Council or its committees. This implies that the parliamentary member is legally protected while performing his assignments inside the premises of the Council, whether during general sessions or committee meetings.

dynamism that helps the Council play a more effective role and strengthen its relations with potential voters.¹⁴

¹⁴Daher, Adnan Mohsen, 2007, Rights and Duties of Parliamentary Members in Arab Councils: A Comparative Study on Internal Regulations of Arab Parliaments, pp 18, 105, 223-224.

Chapter 3: Proposals for enhancing the role of the FNC

Introduction

Now as a research and a practitioner I wish to reflect upon what has been discussed by my purposive respondents and attempt to interpret their opinions and thoughts in the light of my own experience as a public figure and someone who has been serving the emirate through its consultative council.

Constitutional amendments implemented between 2006-2008 marked a turning point in enhancing the mandate of the Federal National Council (FNC) and its relationship with the executive branch of the UAE.

These amendments, which took gradual steps in improving the democratic process and increasing the legislative powers of the FNC, were the most significant reforms since the official adoption of the UAE's Constitution in 1971.

While these amendments are welcomed, it has become important, now more than ever before, for a more radical development of the FNC. In order to empower the FNC into an effective legislative body, there must be an assessment and re-evaluation of its mission, performance, procedures and powers.

There are two reasons for this approach. Firstly, the current population of the UAE is five times greater than the time of its inception. This demographic reality should be addressed and reflected in the process of electing FNC representatives. Secondly, due to social and developmental changes that have occurred over the last four decades, the FNC is now shouldering more responsibilities. The UAE has rapidly evolved to become an epicentre of global finance and business, which in turn has placed new

demands on its national and international obligations. Internally, the UAE must provide quality opportunities for economic and human development to match its global image. Additionally, the UAE's expansion has exposed it to the international community and the commitments and laws that status entails.

Therefore, if the UAE is to deal with these national and international challenges effectively, the FNC must be granted more legislative authority. By doing so, the FNC would be in a better position to manage the UAE's democratic progression while ensuring that the process preserves the state's national interests and identity.

Constitutional Amendments

Between 2006-2008, the FNC witnessed several developments that aimed to take progressive steps in enhancing its role in UAE affairs.

These changes were explored by FNC members in a series of discussions during its last session in 2006 and were made possible by the government's willingness to engage with the FNC and address the popular feeling in the UAE. At the time, the consensus was to change and develop the current system to incorporate more representative democracy and opportunities for public participation.

The positive cooperation between the government and the FNC contributed to the issuance of a number of constitutional amendments focusing on encouraging the FNC to become more democratic and play a more active role in legislation. The most important of which were the following:

1. **FNC Election Procedure:** In December 2005, HRH President Sheikh Khalifa bin Zayed Al-Nahyan issued a decree stipulating that half of the 40-member FNC would be elected by Electoral Colleges selected by each emirate. Previously, the rulers of each emirate had appointed all of its FNC members.

The decree was implemented for the 2006 elections and the initial success of this amendment was reflected by the 79 per cent of the approved electorate who cast their vote.

Another advantage of this legislation was the number of women who participated, both by voting and running for open FNC seats. The 2006 elections in the UAE recorded the first elected woman in the Gulf region. Encouraged by the growing enthusiasm of women to contest positions in the legislative house, the government decided to appoint a further eight women to the FNC. Subsequently, the percentage of women in the FNC has risen to 20.2 per cent, which is one of the highest percentages in the world (The official records of the Federal National Council, 2009).

2. **Extending Office Terms:** In 2008, the government announced that it would revise Article 72 of the Constitution by extending the term of an FNC member from two to four years.

The four-year term will allow FNC members to serve their citizens more efficiently by allowing them extra time to adequately acquaint themselves with the people's needs; familiarise themselves with legal procedures and government policies; and pursue the implementation of their programmes and agendas.

The performance of these tasks is helped further by the amendment of Article 78, which increases the period of the annual ordinary session to a minimum of seven months.

3. **FNC Structure:** Also in 2008, the government approved the amendment of Article 85 in order to improve the operational structure of the FNC. Since 1971, the Secretary General, assisted by a number of employees, had been charged with constructing the guidelines for the FNC's activities as dictated by internal regulations. However, the revised legislation replaced the previous system with a General Secretariat - chaired by the Secretary General - that would assume responsibility for setting the agenda of each FNC session and monitoring the activities, committees and members within the FNC.

As the FNC is accountable for establishing its own internal draft regulations, this amendment clearly demonstrates that the separation of powers within UAE institutions is determined by the principle of law.

4. **Policy Influence:** In 2008, the government also agreed to amend Article 91. The executive will now be obliged to notify the FNC of pending agreements and conventions with international organisations so that the contents of these accords can be opened for debate amongst the FNC before they are ratified. Previously, the FNC was only informed about these agreements after the government had endorsed them.

Review and Analysis

The reaction to these Constitutional Amendments has been mixed. On one hand, the government has taken significant steps in democratising the UAE and increasing the role of the FNC in legislation. On the other hand, the reforms issued by the government remain insufficient as the executive branch still wields almost exclusive power over legislation and the democratic process.

Increasing the legislative abilities of the FNC and the introduction of a democratic system that elects half of its members provide examples that highlight both the positive and negative aspects of the government's Constitutional Amendments.

The Constitutional Amendments of 2006-2008 have, in theory, expanded the scope of the FNC's operations. However, the function of the FNC, as defined by the UAE Constitution, continues to be a consultative body, not a legislative body, endowed with the right to review draft laws.

In practice, the FNC has evolved from its traditional position. Over the last couple of years, the FNC has discussed a variety of draft laws that were referred to the government for contemplation. In an interview with Al-Bayan, a Dubai-based newspaper, FNC Speaker Aziz Al-Ghurair reported that 'the government accepted lots of amendments proposed by the FNC'. In fact, Al-Ghurair revealed that the amount of draft laws amended by the Government at the request of the FNC increased from 23 per cent to 65 per cent in 2009.¹⁵ These FNC recommended amendments were included on draft laws regarding Anti-Tobacco, Marriage Fund, General Budget, Housing and Public Debt programmes.

¹⁵ Al-Ghurair interview published in Al Khaleej newspaper, February 15, 2010.

Additionally, the FNC has also expressed reservation over certain articles of prospective bills and, in some instances, has even rejected draft laws, such as the proposal to amend law No.3 of 1983 on the Federal Judiciary Authority.

While the FNC has participated more in the legislative process, it has also performed its constitutional duties by directing questions to a number of government ministries, such as the ministries of Health, Education, Information and Culture, Social Affairs, Environment and Water, Labour, Economy, Foreign Affairs, Interior, Justice and Energy. Moreover, the FNC's specialised committees have also discussed and examined many important topics relating to Emiratisation; food security; the parameters of the Labour and Education ministries; and the status of the expatriate workforce in the UAE.

The FNC is licensed to conduct these discussions and consultations with government ministries as part of its constitutional mandate but the task of effectively acting upon or implementing its findings is greatly restricted as the FNC operates within the limits of an advisory framework. Government ministers, therefore, are not obligated to accept the FNC's proposals or evaluations. The ministers also reserve the right to deny answering questions raised by FNC members.

In my opinion, more constitutional amendments are required in order to officially transform the FNC into an effective and efficient legislative body capable of balancing against the government by scrutinising and debating its activities. I believe the development of the FNC has become a necessity if the people are to truly benefit from the message contained within the Introduction of the UAE Constitution: 'a dignified free constitutional life in the country's quest for a full-fledged democratic system' (UAE Constitution, 1971).

In addition to the substance of the FNC's legislative powers, the democratic procedure adopted to elect half of its members also acts as another example that encompasses both the achievements and failings of the Constitutional Amendments of 2006-2008.

The decision by the government in 2006 to allow half the seats in the FNC to be contested by elections was an important move in instilling the culture of democracy into the UAE. This amendment took the unprecedented step of permitting UAE nationals the chance to elect 50 per cent of the FNC. For the first time in UAE history, its citizens were exposed to the concept of political participation and given the opportunity to engage with its leadership through the medium of the FNC, thereby becoming a public stakeholder in UAE affairs.

UAE nationals embraced this heightened sense of empowerment and responsibility. As a result, the 2006 elections, which were conducted in a positive, regulated and organised atmosphere, represented a victory for the government's experiment in the basic application of democratic principles.

One of the most encouraging outcomes of the 2006 elections was the number of women who ran for positions within the FNC. In the Abu Dhabi elections, Dr Amal Al-Qubaisi became the first woman to be elected on to the FNC. It was later announced that a further eight women would be appointed to the FNC by Emirate leaders. While women in the UAE recorded substantial success in acquiring political positions, the same could not be said for parliamentary elections in Kuwait, Qatar and Bahrain. The appointment of female members also serves as an incentive for the government to take more advanced measures in expanding the scope of political participation, leading to a completely transparent and representative democratic

process. The government should also learn from the lessons of the elections and address the status of women in the job market as well as considering their involvement in higher political positions, such as ministers, ambassadors and judges, to name a few.

Despite the positive achievements, the UAE's first experience with democracy was undermined by the nature of the voting system, namely the establishment of the Electoral College. Under Sheikh Zayed Al-Nahyan's decree, half the seats in the FNC were up for election. Responsibility for voting on these positions was passed to an Electoral College. However, the Electoral College did not include all UAE citizens but was confined to a limited number of people. Each emirate was entitled to select its own electorate in accordance to the proportion of seats it holds within the FNC. As a result, the contenders for the 20 elected seats in the FNC were extracted from and voted for by a pre-approved Electoral College comprising of 6,689 UAE nationals. This Electoral College did not represent a broad cross-section of society and accounted for only 1 per cent of UAE nationals.

The transition to a democratic system is not instantaneous but is a long road that requires a leadership with vision, conviction and patience. In 2006, Sheikh Zayed Al-Nahyan articulated his plan for the gradual implementation of democracy in the UAE while preserving its cultural dynamic. The opening of half the seats in the FNC for election is the first stage in a process that aims to make the FNC a fully-elected body. As I have explained, the introduction of a democratic culture in the UAE is extremely positive but the 2006 elections proved that the process is still largely inadequate. The government must ensure that there is a gradual and consistent move towards democracy while the FNC should act as a lobby to pressure the government into enforcing more representative methods.

Economic liberalisation should operate in conjunction with political liberalisation and public participation. Once this relationship has been confirmed, economic development can more effectively create the opportunities for a politically-enfranchised UAE population to enhance their skills. In a society that embraces the principles of transparency, democracy and citizenship, the UAE nationals will become more prepared and invested in the community and therefore more willing and able to accept his/her responsibilities, which in turn will benefit the growth of the UAE.

Conclusion

The main barrier to a more inclusive democratic system is the executive's reluctance to develop and empower the FNC.

The source of this problem may be rooted in the nature of the UAE's federal structure, as alluded to in its constitution. Unlike a parliamentary democracy, in which there is a balance of power between the executive and legislative authorities, in the federal system, the executive supersedes the legislative. In this arrangement, the legislative authority is reduced to suggesting draft laws. The FNC does not have the right to review a topic that has been rejected by the executive and is unable to hold cabinet ministers accountable for their actions.

The dysfunctional relationship between the executive and legislative branches is undoubtedly attributed to the time of the UAE's foundation. In 1971, the ultimate priority facing the new state was ensuring its stability and security. Subsequently, the leadership determined that the preferred method of effectively managing the UAE's

direction and progression was through exclusive executive control. The Constitution can therefore be seen as a product of its time, reflecting the political and social conditions that were prevalent during the creation of the state.

As a result, the provisions included in the constitution were not based on a treaty between the seven emirates but took the shape of an agreement reached between the rulers of each Emirate at the time. The constitution was formulated as a fundamental law that guarantees the freedoms and rights of the people and provides social, economic and political support to members of the UAE's society so that its citizens can live a better life.

It has been nearly four decades since the seven emirates established the UAE. During this period, not only has the UAE evolved as a state but its people have also developed alongside it and have been prepared for a free constitutional life.

The UAE's political system should adapt to the context of the 21st Century and modernise. It is time to push ahead to the next level of progression that establishes a fully-fledged parliamentary democratic system that separates both the executive and legislative branches, balances power sufficiently between both authorities and empowers the FNC into an autonomous and independent parliament with real legislative powers.

Moreover, the 40-seat FNC should become a fully-elected legislative body with all UAE citizens granted the opportunity to engage in the democratic process by voting for its members in general elections.

The executive may lack the trust or the inclination to negotiate the reallocation or redistribution of its constitutional power. However, over the last 40 years, the FNC

has demonstrated that it is committed to the execution of the constitution, capable of handling significant levels of responsibility and willing to coordinate and cooperate transparently with the executive authority.

A lot has changed since the formation of the UAE. In the era of globalisation, it has become necessary to empower the FNC and allow it to fulfil its democratic purpose by expanding its legislative powers in compliance with the international requirements and obligations of the age.

Chapter 4: Suggestions and Recommendations

I will conclude with this chapter with a list of suggestions and recommendations based on the findings of my research. By doing so, I hope to contribute to the public debate on democracy and the role of the FNC in the UAE.

From an economic perspective, the UAE has embraced the liberalisation of the globalised world. My research indicates that there is an urgent need to modernise the FNC accordingly and usher it in to the 21st Century. Economic prosperity in the UAE has achieved progress in education, health, living standards and high per capita rates. I think the FNC should be given more responsibility to facilitate and administer these changes in society. The development of the FNC, especially in promoting women empowerment, decision making and building modern institutions, is vital if the UAE is to build on its achievements and create a sustainable society.

Taking all these aspects into consideration, I have come up with the following suggestions and proposals:

1. **Executive and Legislative Imbalance:** In order to address this issue and to create an atmosphere of cooperation between them, I suggest the two authorities be officially separated into independently autonomous bodies. The Constitution should be amended to grant the FNC full legislative power.

Among the duties of this legislative authority should be the approval of international agreements and conventions, especially those which are particularly important for the country.

As a way of ensuring that the FNC is deterred from abusing its legislative authority, I believe that the President or the Supreme Council should be entitled to veto against any draft laws passed or approved by the FNC. In some instances, this veto could lead to another vote on legislation.

2. **The FNC's Mandate:** Constitutional amendments are an integral step to enable the FNC to perform its duties in monitoring the behaviour of the executive branch. At the moment, the FNC is tasked with enquiring about topics and questioning ministers about their performance and negligence with the aim of holding them accountable for their actions. However, ministers are not obligated to provide information or accept the FNC's recommendations.

As the reform of the political system in the UAE is still in its initial stages, I suggest, as an interim solution, that the questioning of ministers should not be carried out unless 25 per cent of FNC members agree to do so. This is in order to maintain the parliamentary and constitutional customs and to prevent the FNC from exceeding the limits set by the first phase of its development.

3. **Expanding the Electorate:** Through education and information technology, it is clear that the public has become more aware of prospects for political reform and public participation. Therefore, I suggest that all FNC members be elected from, and by, all UAE citizens as it presently is.

The appointment of 50 per cent of the FNC should be abolished in favour of a fully-elected legislative authority. By doing so, the state will make the UAE

citizen an invested stakeholder in government affairs and thus benefiting the functionality of the state as a whole.

This policy shift will not represent a substantial risk as the government has a history of good relations with its people. The UAE has gained the people's trust by its promotion of traditional values; its management of economic and human development; and its attempts to create mechanisms that work towards a more sustainable and transparent society. It has also succeeded in safeguarding national independence and protecting basic human rights and public freedoms.

This trust will only be enhanced further by a political system that embraces free and fair elections. In fact, good governance has become one of the integral strategic aims of Gulf States in ensuring stability and prosperity.

Allowing the public to express its opinions through the election of FNC members will place the legislative authority in a better position to prioritise what services and laws need to be provided and implemented. At the same time, a fully-elected FNC will possess the legitimacy to observe the behaviour of ministers, scrutinise government activities and hold the executive branch accountable on behalf of the people.

4. **Equality in Public Participation:** A political system that encompasses public participation strengthens national loyalty, promotes stability and prevents the rise of other religious, sectarian, tribal or ethnic movements that compromise national security by attempting to capitalise on social or political exclusion.

Therefore, I suggest that democratic reform be performed in recognition of participatory equality where laws are applied to everyone without exception.

Public participation should absorb all sectors and groups of UAE society in accordance with the principle of citizenship and equality as well as the supremacy of law. UAE citizens should be afforded equal rights in nominating themselves and casting their votes without discrimination.

5. **Extraordinary Sessions:** In another move to grant the FNC more autonomy and democratic licence, I propose that the FNC be able to hold an extraordinary session if a majority of its members deem it necessary. This would require an amendment to Article 78 of the Constitution, which details the process of calling for an extraordinary session.
6. **Electoral Disputes and Objections:** I suggest that an amendment be made to Article 76 of the Constitution which deals with the issue of electoral disputes and objections, from the validity of FNC membership to the acceptance of resignations. Previously, parliamentary councils were established to resolve these disputes but were shown to be a failure as judgement was influenced by personal agendas. Therefore, I recommend that these disputes and objections be investigated by the Federal Supreme Council.
7. **FNC Structure:** Since the UAE is a federal state, I propose that the FNC be divided into two councils, a practice that is adopted in other federal states, such as the United States. One of the councils would comprise of members in which each emirate is allocated seats as a proportion of its population. This council would be reminiscent of the House of Representatives in the United States.

The second council would contain members that represent their Emirate regardless of population. In this sense, it would resemble the structure of the Senate in the United States.

Both councils would represent the legislative authority in the UAE that acts both as an elected body representing the interests of the people and as a balance against the power of the executive.

8. **Amending Article 81 of the UAE Constitution:** Article 81 states that Members of the Council shall not be censored for any opinions or views expressed in the course of carrying out their duties within the Council or its Committees. This amendment needs to be made so that their opinions even *outside* the Council are not censored.
9. **Amending Article 92 of the UAE Constitution:** Article 92 should be amended so that the FNC can discuss any general subject pertaining to the affairs of the Union. The Prime Minister or the Minister in question should attend the debates with the FNC directing his recommendations to the Cabinet for approval.
10. **Amending by-laws according to the amendments suggested for the UAE Constitution:** This proposal is especially relevant for Article 6, which focuses on the membership period and election of members in the FNC. Article 6 should be extended from 2 to 4 calendar years.
11. **Adding a new chapter to the by-laws of the UAE Constitution:** This new chapter would deal with questioning ministers and parliament investigations.

12. **Adding a new monitoring role to the FNC function.** This role would be to fact-finding and conduct a gap analysis with the objective of striking a balance between legislative and executive authorities of Government. Monitoring would use various tools, such as questioning, requesting clarification from any ministry, interrogating, carrying out checks and balances. This would open the door to public discussion. In addition, another tool includes forming investigation committees and documenting complaints and suggestions. The tool of questioning is the most relevant and popular one in the Arab world. The majority of constitutions call for it.¹⁶

¹⁶Dhaher, Mohsen Adnan, Parliamentary Monitoring for 2010, pp 30-56.

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Appendix

Declaration

I, Mohamed Omran Taryam, hereby certify that I have the permission of all the participants that I have interviewed and cited. They all had no objection whatsoever to the use of their opinions and views in my research which I now submit for final assessment to the project entitled "the Development of the Federal National Council in UAE" as the final fulfilment of MProf in Political Science and Legislation.

Signed



Date: _____ 10.03.2011 _____



المجلس الوطني الاتحادي

دستور

الإمارات العربية المتحدة

اللائحة الداخلية
للمجلس الوطني الاتحادي

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**THE UNITED ARAB EMIRATES
CONSTITUTION**

**THE FEDERAL NATIONAL COUNCIL
STANDING ORDERS**

**THE UAE PARLIAMENTARY GROOP
STANDING ORDER**

1997

***CONSTITUTION
OF THE
UNITED ARAB EMIRATES***

CONSTITUTION

OF THE

UNITED ARAB EMIRATES.

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THE PROVISIONAL CONSTITUTION OF THE UNITED ARAB EMIRATES

We, the Rulers of the Emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain and Fujairah (1);

Whereas it is our desire and the desire of the people of our emirates to establish a Union between these Emirates, to promote a better life, more enduring stability and a higher international status for the Emirates and their people;

Desiring to create closer links between the Arab Emirates in the form of an independent, sovereign, federal state, capable of protecting its existence and the existence of its members, in co-operation with the sister Arab states and with all other friendly states which are members of the United Nations Organisation and of the family of nations in general, on a basis of mutual respect and reciprocal interests and benefits,

Desiring also to lay the foundation for federal rule in the coming years on a sound basis, corresponding to the realities and the capacities of the Emirates at the present time, enabling the Union, so far as possible, freely to achieve its goals, sustaining the identity of its members providing that this is not inconsistent with those goals and preparing the people of the Union at the same time for a dignified and free constitutional life, and progressing by steps towards a comprehensive, representative, democratic regime in an Islamic and Arab society free from fear and anxiety;

And whereas the realisation of the foregoing was our earnest desire, towards which we have bent our strongest resolution, being desirous of advancing our country and our people to the status of qualifying them to take appropriate place among civilised states and nations;

- Ras El Khaimah joined the Union on the 10th of February 1972.

For all these reasons and until the preparation of the permanent Constitution for the Union may be completed, we proclaim before the Supreme and Omnipotent Creator, and before all the peoples, our agreement to this provisional Constitution, to which our signatures were appended, which shall be implemented during the transitional period indicated in it;

May Allah, our Protector and Defender, grant us success.

PART ONE

THE UNION, ITS FUNDAMENTAL CONSTITUENTS AND AIMS

Article 1

The United Arab Emirates is an independent, sovereign, federal state and is referred to hereafter in this Constitution as the Union. The Union shall consist of the following Emirates:-

Abu Dhabi - Dubai - Sharjah - Ajman - Umm Al Quwain - Fujairah - Ras Al - Khaimah. (1)

Any other independent Arab country may join the Union, provided that the Supreme Council agrees unanimously to this.

(1) The original signatories of the Constitution did not include Ras Al Khaimah, which adhered to the Union on 10 February, 1962. A new paragraph was added by a Declaration of Constitutional Amendment No. 1 (1972) which reads as follows:-

In the event of the acceptance of a new member joining the Union, the Supreme Council of the Union shall determine the number of seats which will be allocated to that member in the Federal National Council, being in addition to the number stipulated in Article '68 of this Constitution.

SECOND SECTION
THE COUNCIL FINANCIAL AFFAIRS

Article (131)

The Council shall confirm the annual budget and shall be issued annexed to the State General Budget Code. The Council budget shall be listed in one number in the State General Budget.

Article (132)

Credit specially made for the Council shall be deposited in the place selected by the office board and nothing shall be spent from such credit unless by a permission from the chairman or his deputy in the event of his absence or the General Secretary in accordance with the financial principles decided.

The office board as regards the Council financial affairs shall have the powers decided in this regard for the Cabinet as well the chairman shall have the powers of the Minister of Finance and the General Secretary shall have the same powers decided to the Finance Undersecretary.

Article (133)

The Council confirms its closing account, and such shall be issued annexed to the State Closing Account Code.

STANDING ORDER
OF THE UAE
PARLIAMENTARY SECTION



المغفور له الشيخ زايد بن سلطان آل نهيان

The late shaikh Zayed. The President of U.A.E

طيب الله ثراه

(سعادة / ثاني بن عبدالله)



Thani Bin Abdullah - The first Parliament (FNC) speaker.

(سعادة / تريم عمران تريم)



Tareem Imran (my brother) second Parliament speaker.



The Rulers of U.A.E sitting in the F.N.C.







FNC Dossiers



المضابط

الرابع عشر	الفصل التشريعي
الدور الخامس	دور الانعقاد
1	رقم الجلسة
21/10/2010	تاريخ الجلسة
	ملخص الجلسة

جدول أعمال الجلسة القادمة

المضابط

افتتح المجلس الوطني الاتحادي دور انعقاده العادي الخامس من الفصل التشريعي الرابع عشر يوم الخميس الساعة (12) ظهراً بتاريخ 13 ذو القعدة 1431هـ الموافق 21 أكتوبر 2010م بقاء على المرسوم الاتحادي رقم (77) لسنة 2010م الصادر من حضرة صاحب السمو/الشيخ خليفة بن زايد آل نهيان - رئيس الدولة - بدعوة المجلس إلى الانعقاد وذلك بحضور صاحب السمو/الشيخ محمد بن راشد آل مكتوم- نائب رئيس الدولة- رئيس مجلس الوزراء- حاكم دبي- وقد تضمن برنامج حفل الافتتاح الأتي: * تشریف حضرة صاحب السمو نائب رئيس الدولة- رئيس مجلس الوزراء- حاكم دبي واحة زايد، * تلاوة آيات من ذكر الله الحكيم، * افتتاح صاحب السمو نائب رئيس الدولة- رئيس مجلس الوزراء - حاكم دبي دور الانعقاد العادي الخامس بالنطق السامي، * تلاوة المرسوم الاتحادي بدعوة المجلس الوطني الاتحادي للانعقاد، * كلمة معالي/عبدالعزیز عبدالله الغرير- رئيس المجلس الوطني الاتحادي، * خطاب الافتتاح لحضرة صاحب السمو نائب رئيس الدولة- رئيس مجلس الوزراء- حاكم دبي، * رفع الجلسة لتوديع حضرة صاحب السمو نائب رئيس الدولة- رئيس مجلس الوزراء- حاكم دبي، * ثم عقد المجلس جلسته الأولى في دور انعقاده العادي الخامس من الفصل التشريعي الرابع عشر الساعة (01:55)، برئاسة معالي /عبدالعزیز عبدالله الغرير- رئيس المجلس الوطني الاتحادي وبحضور معالي/د.أنور محمد فرقاش- وزير الدولة لشؤون المجلس الوطني الاتحادي، - وقد شارك في هذه الجلسة (36) عضواً واعتذر عن عدم حضورها: 1- سعادة / حسين عبدالله الشعفار، 2- سعادة / خالد حمد بوشهاب، 3- سعادة / علياء سالم السويدي، 4- سعادة / د. مغير حميس الجبيلي، - وتضمنت الجلسة القرارات التالية: البند القرارات والملاحظات - انتخاب المراقبين: - أحرزت عملية الانتخاب بين أصحاب السعادة الأعضاء: 1- سعادة/ خالد بن زايد 2- سعادة/ علي ماجد المطروشي 3- سعادة/ د.سليمان المؤذن 4- سعادة/ خليفة عبدالله بن هويدن، - وقد فاز في الانتخاب كل من: 1- سعادة/ خالد بن زايد، 2- سعادة / خليفة بن هويدن الكبيي، - اسجاب اللجنة التنفيذية للجمعية البرلمانية: 1- انتخاب وكيل اللجنة التنفيذية، 2- انتخاب أمين السر، 3- انتخاب أربعة أعضاء، - وافق المجلس على إبقاء اللجنة التنفيذية للجمعية البرلمانية كما كانت في الدور الرابع، - تشكيل لجان المجلس: 1- لجنة الشؤون الداخلية والدفاع، 2- لجنة الشؤون المالية والاقتصادية والصناعية، 3- لجنة الشؤون التشريعية والقانونية، 4- لجنة شؤون التربية والتعليم والشباب والإعلام والثقافة، 5- لجنة الشؤون الصحية والعمل والشؤون الاجتماعية، 6- لجنة الشؤون الخارجية والخطوط والسكك الحديدية والنقل، 7- لجنة الشؤون الإسلامية والأوقاف والمرافق العامة، 8- لجنة فحص الطعون والشكاوى، -

رئاسة معالي
عبدالعزیز عبدالله الغرير
رئيس المجلس الوطني الاتحادي

يستضيف
المجلس الوطني الاتحادي
في أبوظبي الاجتماع
الرابع لأصحاب المعالي
رؤساء مجالس الشورى
و النواب و الوطني
والامة جدول مجلس
التعاون لحول
الخليج العربية

٢٢ نوفمبر ٢٠١٠

وافق المجلس على الإنهاء على تشكيل اللجان كما كانت في الدور الرابع . -
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في شأن حماية المستهلك إلى لجنة الشؤون المالية والاقتصادية
والصناعية . 2- مشروع قانون اتحادي بشأن تعديل القانون الاتحادي رقم (11)

لسنة 1992م في شأن الإجراءات المدنية ، و مشروع قانون اتحادي بشأن تعديل القانون الاتحادي رقم (55) لسنة 1992م في شأن الإجراءات الجزائية ، و مشروع قانون اتحادي بشأن القانون البحري إلى لجنة الشؤون التشريعية والقانونية . 3- مشروع قانون اتحادي بشأن النقل البري والطرق إلى لجنة الشؤون الإسلامية والأوقاف والمرافق العامة . 4- مشروع قانون اتحادي بتعديل بعض أحكام القانون الاتحادي رقم (21) لسنة 1995م في شأن السير والمرور إلى لجنة الشؤون الداخلية والدفاع . - ما استجد من أعمال : 1- المراسيم بقوانين التي صدرت : أ- مرسوم بقانون اتحادي رقم (1) لسنة 2010م في شأن وتنظيم الهيئة الوطنية للمؤهلات . ب- مرسوم بقانون اتحادي رقم (2) لسنة 2010م في شأن تقرير اعتماد إضافي للميزانية العامة للائتلاف وميزانيات الجهات المستقلة الملحقة عن السنة المالية 2010م . ج- مرسوم بقانون اتحادي رقم (3) لسنة 2010م بتعديل بعض أحكام القانون الاتحادي رقم (16) لسنة 1980م بإنشاء مؤسسة الإمارات العامة للبتروك . 2- الرسائل الواردة إلى المجلس : - رسالة وارده من معالي/ عبيد الطاهر- وزير الدولة للشؤون المالية في شأن " مشروع خطة ميزانية المجلس الوطني الاتحادي للسنوات 2013م - 2011م - إطلع المجلس على هذه المراسيم وأخطب بها علماً. - وافق المجلس على إبقاء ميزانيته كما هي دون خفض نسبة (5%) منها كما جاء في الرسالة. - وبعد أن أنهى المجلس من مناقشه بنود جدول أعمال هذه الجلسة وافق على رفعها في تمام الساعة (02:40) ظهراً على أن يتم عقد الجلسة الثانية من دور الانعقاد التالي يوم الثلاثاء الموافق 2/11/2010 في تمام الساعة التاسعة صباحاً.

المضبطة

بقرير

وافق على مشروع الرد على خطاب رئيس الدولة

المجلس الوطني يبحث الأمن المائي والوسائل الكفيلة بتحقيقه

آخر تحديث: الأربعاء ١٠/١١/٢٠١٠

تغطية: أحمد ممدوح

Press Coverage
of
FNC in the
local press



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ناقش المجلس الوطني الاتحادي، في الجلسة الخامسة من دور انعقاده العادي الخامس من الفصل التشريعي الرابع عشر برئاسة عبدالعزيز الغرير، رئيس المجلس، وبحضور الدكتور أنور محمد قرقاش، وزير الدولة، لشؤون المجلس الوطني الاتحادي، والدكتور راشد أحمد بن فهد، وزير البيئة والمياه، وحמיד محمد القطامي، وزير التربية والتعليم، موضوع موارد المياه في الدولة .

وطالب أعضاء المجلس بتفعيل القانون رقم (٢١) لسنة ١٩٨١ وقرار مجلس الوزراء رقم (٢٠) لسنة ١٩٨٢ فيما يخص حماية موارد المياه والمحافظة عليها، وكذلك وضع وتعديل المواصفات الخاصة بصنابير المياه عن طريق التحكم بطريقة تدفق المياه، وتفعيل دور الوزارة الإشرافي في إدارة وتنظيم موارد المياه في الدولة وتطويرها بما يحقق أهداف التنمية الموارد المائية .

كما دعوا من خلال توصيات لجنة الشؤون الخارجية والتخطيط والبتروال والثروة المعدنية والزراعة والثروة السمكية، إلى وضع دراسات الجدوى الاقتصادية ذات الكفاءة العالية عند الشروع في بناء السدود وشبكات تصريف مياه الأمطار، للاستفادة القصوى من كمية الأمطار المتساقطة على الدولة والتي لا يتم الاستفادة المثلى منها لمختلف المشاريع وخاصة الزراعية، وكذلك العمل على وضع برامج توعية بالتعاون مع جميع الجهات من قطاعات حكومية وخاصة، ومنظمات تطوعية إلى جانب وسائل الإعلام من أجل ترشيد استهلاك المياه .

وطالبوا بالتشجيع على اتباع أفضل الممارسات التكنولوجية المناسبة في ري المزروعات واستخدام الأساليب الجديدة، كالزراعة المائية وخارج التربة .

ودعت اللجنة إلى التشجيع على الاستفادة من موارد المياه الأخرى كالمياه الرمادية، ومياه المجاري المعالجة، ومياه المكيفات، وغيرها للمشاريع الزراعية والصناع والاستعمالات اليومية، وكذلك التوسع في بناء شبكات تصريف مياه الأمطار في الدولة والاستفادة منها في

تنمية الخزانات الجوفية .

ومن جانبه استعرض الدكتور راشد أحمد بن فهد، تقريراً حول الإدارة المتكاملة للموارد المائية في الدولة، أكد خلاله أن موضوع أزمة المياه ذو أبعاد عالمية، ولكن حلها لا بد أن ينطلق محلياً .

وأضاف أن وزارة البيئة والمياه تعمل على تحقيق رؤية الإمارات ٢٠٢١ ووضعت لنفسها ٤ أهداف استراتيجية، هي تعزيز الأمن المائي، والأمن الحيوي، والأمن البيئي، والأمن الغذائي، مشيراً إلى أن موضوع المياه بشكل عام نظام معقد ومتشابك، حيث يعنى به أكثر من ١٥ جهة داخل الدولة، بالإضافة لبعض الجهات المشاركة بشكل رئيسي .

وأوضح أن الاستهلاك المائي الكلي في الدولة خلال العام ٢٠٠٩ بلغ ما يعادل نحو ٤.٥ مليار متر مكعب، مشيراً إلى أن الإمارات تعتمد في أكثر من ٥٠% من مصادرها على المياه الجوفية و٤٠% من مياه التحلية، والباقي من المياه المعالجة، مضيفاً أن ٦٠% من المياه تذهب إلى الزراعة والباقي إلى الاستخدامات الأخرى .

وأكد أن نسبة التغطية بشبكات الصرف الصحي في المدن الرئيسية تزيد عن ٧٥%، وجارٍ استكمال مشاريع التغطية بشكل متواصل في جميع مدن الدولة، حيث تعالج مياه الصرف الصحي في محطات معالجة مركزية ويعاد استخدامها في الري والصناعة .

وأضاف أنه يوجد في الدولة حالياً ١١٤ سداً وحاجزاً للاستفادة من مياه الأمطار والسيول، وأن هناك خطة لإنشاء ٦٨ سداً وحاجزاً جديداً في مناطق مختلفة، تم البدء في تنفيذ ثلاث منها في منطقة شرم، مشيراً إلى أن كمية المياه التي حجزت في بحيرات السدود تقدر بأكثر من ٣٠٠ مليون متر مكعب أي ما يقدر بـ ٧٠ مليار جالون من المياه منذ البدء في إنشائها، حيث تغطي السدود مساحة ٥٠% من مناطق حجز المياه في الدولة وهي نسبة تعد جيدة .

وأشار وزير البيئة إلى أن القطاع الزراعي يستهلك ٩٧% من المياه الجوفية في الدولة، حيث يزرع ما يزيد على ٣٢ صنفاً من الخضراوات والفواكه والمحاصيل الحقلية والعلفية، موضحاً أن استخدام نظام الزراعة المائية والمحمية، سيوفر ٩٠% من الاستهلاك المائي و٣٠% من المساحة للمحصول نفسه . وأكد أنه لا يوجد نقص في مياه الشرب في الإمارات ولكن بالنظر للمستقبل لا بد من التقنين في استخدامها . وأضاف أن مشروع القانون يعنى بتطبيق مبادئ الإدارة المتكاملة في جميع مجالات إنتاج وتوزيع واستخدام موارد المياه التقليدية، وغير التقليدية، وهو مقدم حالياً لوزارة العدل تمهيداً لإقراره .

وقال إن التكلفة الكلية لتحلية المياه نحو ٨٣. ١٠ درهم للمتر المكعب، تختلف حسب الإمارة، كما تقدم الحكومة دعماً لتغطية الفارق في التكلفة والتعرفة المفروضة، فيما لا توجد تسعيرة للمياه الجوفية، مشيراً إلى أن الخطة التشغيلية للوزارة للعام ٢٠١٣/٢٠١١ ستعمل على تطوير سياسات ومواصفات فنية للموارد المائية والسدود، ومسح وتقييم مصادر المياه الجوفية، وزيادة مساحة واستدامة كفاءة حصاد مياه الأمطار لزيادة وتنمية المخزون المائي .

من جانبه قال العضو راشد الشريقي إن معدل استهلاك الفرد من المياه يومياً في الإمارات يقدر بنحو ٥٥٠ لتراً يومياً، فيما اقترحت الأمم المتحدة أن يكون معدل الاستهلاك ١٨٤ لتراً يومياً .

وتسأل العضو راشد المرر، عن ما إذا كانت هناك نية لدى وزارة البيئة لمنع مصانع تعبئة المياه من تصديرها للخارج، ليجيب الوزير بأن مصانع تعبئة المياه تستهلك أقل من ١% فقط من مصادر المياه في الإمارات، وبالتالي يجب التركيز على المصادر الكبرى لاستهلاك المياه أولاً مثل الزراعة .

وتسأل العضو محمد الزعابي عن الخطة الموضوعية في حال حدوث كوارث تؤدي إلى تعطل محطات تحلية المياه، كما تسأل عن ما إذا كان هناك مردود اقتصادي للزراعة .

وأجاب الوزير، أن الزراعة في الإمارات بالأسلوب المتبع حالياً في استهلاك المياه غير ذات جدوى، ويجب تحويلها إلى الزراعة المائية أو المغطاة بدلاً من الزراعة المكشوفة .

وفي سؤال للعضوة أمل القبيسي حول حجم المخزون المائي لدى الإمارات في حال تعطل محطات التحلية، قال الوزير إن هيئة الطوارئ

والأزمات مكلفة بإنشاء خزانات مياه لحالات الطوارئ .

وسأل العضو سلطان السويدي، الوزير حول الكيفية التي يتم بها وضع استراتيجية إدارة المياه، وما إذا كانت بناء على عدد المواطنين فقط أم سكان الإمارات جميعاً بمن فيهم المقيمون الذي تجاوز تعدادهم ٨ ملايين .

وأجاب الوزير أن الأمن الغذائي في الإمارات يشمل جميع سكان الدولة من مواطنين ومقيمين، مشيراً إلى أنه لا بد من وجود تشريع اتحادي ملزم، وأن تكون السلطات المحلية شريكة في هذا التشريع .

وقال العضو أحمد الخاطري، إن الزراعة في الإمارات أمر مهم، وهناك العديد من الأسر التي تعتاش من هذه المزارع، حيث يجب التفكير فيهم ووضع مشاريع بديلة لهم، وأجاب الوزير أن في حال إغلاق المزارع فسيكون هناك خطة لإجراءات تعويضية لأصحاب المزارع لتغيير نشاطهم .

وسأل العضو خليفة بن هويدن، عن نسبة التوطين في وزارة البيئة والمياه، ليجيب الوزير أن أكثر من ٧٠% هي نسبة المواطنين العاملين في الوزارة، مضيفاً أن الوزارة تواجه مشكلة في هذا الشأن بسبب مخرجات التعليم العالي، وغياب تخصصاتها عنها .

قال الدكتور أنور محمد قرقاش، رداً على اعتراضات عدد من أعضاء المجلس حول قيام الحكومة بسحب مشروع قانون مصرف الإمارات للتنمية، إن قانون الإمارات يتيح للحكومة سحب أي مشروع تتقدم به، وهذه ليست أول مرة حيث تم سحب مشاريع أهم .

وفي البند الثالث من الجلسة، وجه العضو الدكتور عبيد بن بطي المهيري، سؤالاً لوزير التربية والتعليم، عن الاستراتيجية المتبعة في تعيين المعلمين باعتبارهم الركيزة الأساسية في العملية التربوية والتعليمية .

وأجاب القطامي، بأن المعلم عنصر أساسي في العملية التعليمية، وبالتالي تسعى الوزارة لاستقطاب أعلى الكفاءات، في مجال التدريس من خارج وداخل الدولة، مع التركيز على المواطنين، حيث إن أكثر من ٦٠% من العاملين في مجال التدريس في الوزارة هم من مواطني الدولة، وهذه نسبة جيدة .

كما أكد القطامي في إجابته عن سؤال مشابه من العضوة فاطمة غانم المري حول استراتيجية الوزارة في تعيين معلمي اللغة الإنجليزية، وخاصة المواطنين، أنه دائماً تعطى الأولوية للمواطنين في التعيين، حيث تصل نسبتهم من معلمي اللغة الإنجليزية إلى نحو ٤٦% وهي نسبة جيدة، ولكن هذا التخصص نادر الوجود حتى في بعض الدول العربية .

وان المرحلة المقبلة توجد خطة لاستقطاب معلمين لغتهم الأولى هي الإنجليزية، وذلك بالتوازي مع عملية الإحلال لهذا القطاع بالمواطنات .

من جانب آخر وافق المجلس الوطني الاتحادي على مشروع الرد على خطاب صاحب السمو الشيخ خليفة بن زايد آل نهيان رئيس الدولة، حفظه الله، الذي ألقاه نيابة عن سموه، صاحب السمو الشيخ محمد بن راشد آل مكتوم نائب رئيس الدولة رئيس مجلس الوزراء حاكم دبي، في افتتاح الدور الحالي من الفصل الرابع عشر للمجلس يوم ٢١ أكتوبر/ تشرين الأول الماضي على أن يتم إعادة صياغته بشكل أفضل .

الغريز: مرحلة التمكين واقع

أكد عبدالعزيز عبدالله الغريز رئيس المجلس الوطني الاتحادي أن عناوين مرحلة التمكين التي دشنها صاحب السمو الشيخ خليفة بن زايد آل نهيان رئيس الدولة، حفظه الله، تحولت في فترة وجيزة إلى خطط وبرامج، وإلى واقع ملموس على الأرض يعلن عن فصل جديد في قصة النجاح الإماراتية .

جاء ذلك في كلمة استهل بها الجلسة الثالثة للمجلس الوطني الاتحادي بمناسبة مرور ست سنوات على تولي صاحب السمو الشيخ خليفة بن زايد آل نهيان رئيس الدولة، مقاليد الحكم في الثالث من نوفمبر عام ٢٠٠٤ .

وقال “تمر علينا في الثالث من نوفمبر من كل عام ذكرى عزيزة على قلب كل إماراتي، جاءت الذكرى السادسة لتولي صاحب السمو الشيخ خليفة بن زايد آل نهيان رئيس الدولة، حفظه الله، مقاليد الحكم بعد رحيل القائد المؤسس الشيخ زايد بن سلطان آل نهيان، طيب

الله ثراه".

وأضاف "لقد تسلم صاحب السمو الشيخ خليفة بن زايد آل نهيان الرؤية بإحساس القائد، وروح المسؤولية التاريخية باختيار أعضاء المجلس الأعلى للاتحاد، وكان ذلك تعبيراً عن الاستقرار والنجاح الذي حققته التجربة الاتحادية الإماراتية، وايداناً ببدء مرحلة جديدة تحمل عناوين أخرى لتنتقل دولة الإمارات من مرحلة التأسيس بكل ما فيها من مصاعب وانجازات إلى مرحلة التمكين بكل ما تحمل من طموحات وآمال".

غباش: نظام الكفيل مقبول

أكد صقر غباش، وزير العمل، أن نظام الكفيل من حيث المبدأ في حد ذاته نظام مقبول، وأيضاً مشروع ومقتن بقواعد قانونية حاكمة له، ويطبق في مجمل الدول التي تستقدم عمالة أجنبية بصفة مؤقتة كالولايات المتحدة الأمريكية وكندا والاتحاد الأوروبي وأستراليا وبريطانيا، فإن الوزارة تعمل على علاج بعض الممارسات السلبية التي قد تصاحب ما يعرف بنظام الكفيل . كما تحرص الوزارة في الوقت نفسه على أن لا تخل تلك المعالجة بضمان عدم الانتفاص من أية حقوق أو مزايا قانونية لصاحب العمل، كما تراعي أن يكون الأخير قد استرد من خلال تشغيله العامل أكبر قدر ممكن من التكلفة التي تحملها لاستخدامه . جاء ذلك في رد كتابي على سؤال وجهه عضو المجلس الوطني الاتحادي يوسف عبيد النعيمي، والذي جاء في نصه: إعمالاً لنص المادة (١٠٦) من اللائحة الداخلية للمجلس فإنني أرجو توجيه السؤال التالي إلى وزير العمل: أخذت الدولة أسوة ببقية دول مجلس التعاون بنظام الكفيل المواطن، إلا أن المنطقة تشهد الفترة الحالية حواراً حول اجراءات ينبغي اتخاذها للعودة عن هذا النظام، فما هو توجه الحكومة نحو إلغاء نظام الكفيل وما هي الاجراءات التي ستتخذها لمعالجة آثاره السلبية؟

الفصل التشريعي الرابع عشر
دور الانعقاد العادي الأول

الفصل التشريعي : ف
دور الانعقاد العادي الأول: أ
دور الانعقاد العادي الثاني: ب
دور الانعقاد العادي الثالث: ج

(الافتتاحية - الأولى)

المعقودة يوم الإثنين 24 محرم سنة 1428هـ
الموافق 12 فبراير سنة 2007م

Internal Correspondence in the Council

سعادة / رئيس الجلسة :

نيابةً عنكم نقدم الشكر للجنة ونهني الأخ عبدالعزيز بالفوز وأدعوه إلى منصة الرئاسة لتولي رئاسة الجلسة .

(تولى سعادة / عبدالعزيز عبدالله الغرير رئاسة الجلسة ،

وألقي كلمة شكر فيها السادة الأعضاء على الثقة التي أولوه إياها) .

سعادة / عبدالعزيز عبدالله الغرير : (رئيس المجلس)

بسم الله الرحمن الرحيم ، السلام عليكم ورحمة الله وبركاته . بدايةً أتقدم بأسمى آيات الشكر وعظيم الإمتنان لمقام صاحب السمو رئيس الدولة " حفظه الله " ، وصاحب السمو نائب رئيس الدولة " رعاه الله " ، وأصحاب السمو حكام الإمارات أعضاء المجلس الأعلى على ثققتهم الغالية بالأصالة عن نفسي ونيابةً عنكم أيها الإخوة والأخوات راجياً من الله أن نكون جميعاً عند حسن ظنهم ومحط ثققتهم بنا ، كما وأتقدم منكم إخواني وأخواتي أعضاء المجلس الوطني الموقرين على الثقة التي أوليتموني إياها برئاسة مجلسنا العامر هذا .

السادة ، الإخوة والأخوات ، نتمنى جميعاً أن يكون هذا الفصل التشريعي حافلاً بالعمل البرلماني المتميز ، وأن نكون جميعاً أكثر التصاقاً وقرباً من الوطن والمواطنين ، نتتبع قضاياهم وهمومهم وتبادل معهم الرأي والمشورة ونبدي ملاحظاتنا الرقابية بجرأة وصراحة وبأساليب حضارية راقية تجمع بين الواقعية وتقديم الحلول والمقترحات الممكنة بهدف الإرتقاء بالعمل الحكومي وأن نقدم دراسات علمية للظواهر والمشكلات والتحديات التي يعيشها مجتمعنا بتعمق ومنهجية تمكننا من تخطيطها وفقاً لرؤيتكم أنتم ، الأمر الذي سيحقق طموح وآمال قيادتنا الرشيدة وإخواننا المواطنين ليفخر بها الوطن ونفخر به .

إخواني وأخواتي ، تغمرني السعادة بمشاركة المرأة الإماراتية في المجلس الوطني الإتحادي وبنسبة مشاركة عالية فاقت - حقيقة - أرقى البرلمانات العالمية والتي سبقتنا بكثير في هذا المضمار الأمر الذي عكس وبجلاء حكمة وبعد نظر قيادتنا السياسية الرشيدة إيماناً بدور المرأة الفاعل والبناء في التنمية وتمكينها من المشاركة في الحياة السياسية الفاعلة في خدمة وطننا ، وما هو إلا حلم كان يراودنا وهو هو نشهده حقيقة قائمة في هذا الفصل التشريعي . إنني على ثقة مطلقة بأننا سنكون بإذن الله تعالى على قدر المسؤولية المناطة بنا وسنؤدي عملنا بأمانة وإخلاص ، وأن نتخذ من أسلوب فريق العمل الواحد منهجاً وحيداً في عملنا البرلماني يسوده التعاون البناء والتفاني المثمر في سبيل إنجاز كل ما تتطلع إليه قيادتنا الرشيدة وما ينتظره منا إخواننا المواطنين ووطننا الغالي خصوصاً وأن قيادتنا الحكيمة قد أعلنت برنامجاً إصلاحياً يشمل توسيع صلاحيات المجلس

الوطني والذي دخل فعلياً حيز التنفيذ منذ بدء العملية الانتخابية وما هي إلا خطوة مرحلية هامة راعت خصوصية دولتنا وخاضها المرشحون والناخبون بنجاح ، الأمر الذي يبعث بالنفس الأمل بمستقبل واعد لوطننا في ظل قيادتنا الرشيدة .

وختاماً ، فإنني أرجو من المولى جلت قدرته أن يكال جهود مجلسنا هذا بالنجاح والتوفيق على طريق النهوض بوطننا الغالي وآخر دعوانا أن الحمد لله رب العالمين والسلام عليكم ورحمة الله وبركاته .

وننتقل الآن إلى البند الخامس .

*** البند الخامس : انتخاب هيئة مكتب المجلس :**

أ) انتخاب النائب الأول .

ب) انتخاب النائب الثاني .

ج) انتخاب المراقبين .

أ- انتخاب النائب الأول للرئيس :

سعادة الرئيس :

والآن أيها الإخوة الأعضاء نبدأ بانتخاب النائب الأول للرئيس، وسيكون - أيضاً - الانتخاب سرياً وبالأغلبية المطلقة للحاضرين، فالمرجو ممن يرغب في ترشيح نفسه لهذا المنصب أن يتفضل بإعلان اسمه .

سعادة / د. عبدالرحيم عبداللطيف الشاهين :

بسم الله الرحمن الرحيم، أشرح نفسي نائباً أول للرئيس، وشكراً .

سعادة / أحمد شبيب الظاهري :

سعادة الرئيس ، أولاً أتقدم لكم بالتهنئة على ثقة الأعضاء فيكم وكذلك نتقدم بالتهنئة للأخوين محمد الهاملي وعامر الفهيم على مشاركتهم في انتخابات الرئاسة . سيدي الرئيس أتشرف بأن أتقدم كمرشح للنائب الأول للرئيس وأتمنى أن أنال ثقة إخواني الأعضاء، وشكراً .

سعادة / حمد حارث حمد المدفع :

أتشرف بأن أتقدم بترشيح نفسي لمنصب النائب الأول للرئيس، وشكراً .

سعادة الرئيس :

هل يرغب أحد من الإخوة الأعضاء في ترشيح نفسه نائباً أول للرئيس غير السادة / د.

عبدالرحيم عبداللطيف الشاهين وأحمد شبيب الظاهري وحمد حارث المدفع ؟

(لم يتقدم أحد)

نحو تطوير عمل وآليات المجلس الوطني



من إحدى جلسات المجلس الوطني الاتحادي

حدثت في السنوات الأخيرة، عدة تطورات على صعيد تعزيز دور المجلس الوطني الاتحادي، انسجاماً مع التطورات والتغيرات التي حدثت في مجتمعات الإمارات وما تميزت به تجربة العهود الأربعة الماضية من حيوية وديناميكية وتلبية بادرية، فضلاً عن تطورات جذرية على المستوى الدولي تدفع باتجاه توسيع المشاركة الشعبية، والاعتماد في توسيع حقوق الإنسان والديمقراطية.

ومن بين التطورات البارزة ذات الصلة بالمجلس الوطني الاتحادي، صدور عدد من التعديلات الدستورية، والتي أهدتها انتخاب نصف أعضاء المجلس، من خلال قوائم انتخابية مختارة من كل إمارة.

محمد عمران تريم *

للتعريف غلبتها، من رعاية وإعلام والاتصال مع الناس، وأعلنت المرأة حق المشاركة السياسية.

لكن هذه الخطوة، على أهميتها، شابتها بعض السلبيات، ومن أبرزها أن عملية اختيار أعضاء الهيئة الانتخابية لم تكن شاملة لكل المواطنين، في نفس القانون الانتخابي، بل انحصرت على فئة محدودة (669 شخصاً) أي أن نسبتها البعيدة لم تزد على واحد في المئة من مواطني الإمارات ومن أهم حق الإدول في عملية التصويت والترشيح.

وعلى أي حال، فإنه رغم هذه السلبيات، فإن طرح مفهوم الانتخابات هو خطوة متقدمة، على طريق طويل، و يحتاج إلى متابعة وترشيد وهي اجتماعي، وبمستوى أن التغيير الجذري في الانتماء، يحتاج بالأساس إلى التغيير في السياسة والمشاركة في المجتمع، تعزيز المشاركة في صنع التنمية، وتطوير الكفاءات الوطنية، وحمل المسؤولية، وتشجيعية، شجاعة الشفافية وحماساً، كتحقيق واجبات، وثواب التغييرات في البنى التحتية والإعلامية، والتعامل مع التغيرات ومسؤولياتنا تجاه الأطر الدولية والاتفاقيات الأممية.

* عضو المجلس الاستشاري - الشارقة

إلى عدد من الوزراء، وقامت لجان المجلس ببحث ودراسة مشروعات مهمة مثل قضايا الدوائر والأمن الغذائي والتعليم والعلاقة الوفاء... إلخ.

لكن رغم هذا الممارسات شبه الرقابية والتشريعية إلا أن المجلس يولي مجرة جوة استشارية، وتبقى مسأله لا وزراء في هذا الإطار الاستشاري غير الأهم.

وفي النهاية، فإن هذه التجربة البرلمانية، بعد مرور نحو أربعين عاماً من ولادتها، قد تعيدت وبنات سن الرشيد، و تحتاج إلى تطوير ومخاض مع متطلبات التحديث والحصر الذي تعانيه، ومحتلين من إنجازات عظيمة تحققت في المجتمع على شتى الصعد، ومحتلين بمجتمع متحاف من الثورات والانتماءات، وبقيادة تغطي برضا شعبي عازم، وبمستوى ونماء ورهاف عن قائلها في مناطق أخرى في الإقليم وفي خارجه.

إن تطوير المجلس الوطني الاتحادي، أصبح ضرورة حيوية، تحلقاً كما ورد في مقدمة الدستور، حول إهداء شعب الإمارات للخدمة الدستورية الحرة التكرية، مع السيرة في دما نحو حكم ديمقراطي يباي معقول الأركان.

إن الخطوة للقائمة الإيجابية، التي أهدت عليها الدولة عام 2006، بالخدمات فكرة الانتخابات الحرة لنصف أعضاء المجلس بدلاً من الثلثين، هي خطوة مهمة على طريق اعتبار الانتخابات شاملة لكافة الأعضاء في المرحلة المقبلة.

وقد أرسدت هذه الخطوة بدايات متشعبة لتتزين الممارسة الشعبية في اختيار ممثلي الشعب داخل المجلس، وممارس الترشحون أساليب مختلفة مختارية، من حيث الضوابط

أمانة عامة للمجلس يرأسها أمين عام، ويضع المجلس نفسه لاحتجتها الداخلية، وتحدد بقرار من رئيس الدولة، وليس بقرار من مجلس الوزراء، ما يعني أن مبدأ فصل السلطات، هو ركيزة أساسية لمبدأ القانون، وأن هناك سعياً جاداً لإعمال هذا المبدأ.

خطوة أخرى متقدمة، اتخذها المجلس الحكومية لتعزيز دور المجلس الوطني الاتحادي، وهي إصدار الحكومة بمراسل المجلس بالخدمات والالتزامات الدولية التي خربها مع الحكومات الأجنبية والولايات التوافق، ولقد يهدف هذا لتجديد قبل التصديق عليها، وكان دور في السابق لا يتعدى الإفادة والتعم بالالتزامات بعد إبرامها.

وفي الختام، فإن هذه الخطوات المتقدمة والتعديلات الدستورية قد زادت من عامل صلاحيات المجلس الوطني الاتحادي، لتتجه في الحقيقة غير عادية، من أجل الوصول إلى وضع أفضل وأكثر فعالية في مجال صلاحيات واقتصاصات المجلس في مجالات التشريع والرقابة البرلمانية.

ومن حسن الطالع، أن المجلس في ممارساته العملية في السنوات الأخيرة، تالفت العثرات من مشاريع القوانين التي وردت إليه من الحكومة، وأبدى رفضه لمشاريع قوانين عدة، وأخذت الحكومة بتغيير من التعديلات التي اقترحتها المجلس، ويذكر عدد من المشرعين والبرلمانيين أن التغييرات التي اقترحتها المجلس، في يوليو/ تموز 2009، أن نسبة التعديلات التي أيدتها الحكومة على مشروعات القوانين ما بين 23-76% من إجمالي مواد مشروعات القوانين التي أهدت عام 2009.

كما مارس المجلس دوره في توجيه الأسئلة البرلمانية

من إيجابيات هذا التعديل، تعزيز وتعميق ثقافة الإيجابية في المجتمع، وقد بلغت نسبة الإقبال على التصويت في هذه الانتخابات نحو 77%، كما تميزت مشاركة المرأة في الترشح والتصويت، ولزات امرأة في الانتخابات، وتعتبر أول امرأة منتخبة في مجلس النواب في منطقة الخليج.

كما أدى هذا التطور إلى تزايد الحماس نحو مشاركة أوسع للأفراد في المؤسسة التشريعية، حيث فرت الحكومة تحيين شعبيات، شفاء ما عفاها في المجلس الوطني، لتصبح نسبة النساء في عضوية المجلس من النسب العالمية على مستوى العالم، وتعد الأولى في العالم العربي.

ومن الخطوات المتقدمة الأخرى الإيجابية، زيادة مدة العضوية إلى أربع سنوات، بعد أن كانت سنتين، وقد تم إدخال هذا التعديل في أواخر عام 2008، وشجع هذه الزيادة في مدة العضوية، الفرصة للعضو البرلماني المزيد من العطاء والفاعلية، وتتيح له الوقت الكافي للتحرف إلى احتياجات الناس، ومخاطبة القوانين والتشريعات والسياسات الحكومية.

وهذه خطوات أخرى إيجابية، تم إدخالها إلى أليات عمل المجلس، كزيادة مدة انعقاد الدورة العادية، وإنشاء

Article I wrote about the development of FNC -

AL KHALEEJ Newspaper, 28 Nov 2010